

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.HARILAL

WEDNESDAY, THE 2ND DAY OF DECEMBER 2015/11TH AGRAHAYANA, 1937

WP(C).No. 35724 of 2015 (M)

PETITIONER :

**JIJI ANTONY, S/O.ANTONY,
VAZHAYIL HOUSE, NARIANGANAM P.O.,
PLASSANAL, KOTTAYAM.**

BY ADV. SRI.G.PRABHAKARAN

RESPONDENT :

**THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
KOTTAYAM -686 002**

BY SR GOVERNMENT PLEADER SMT. K.A.SANJEETHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 02-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).No. 35724 of 2015 (M)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1: THE TRUE COPY OF THE PERMIT NO.P.ST. 5/729/2003 DATED 05.03.2010**
- P2: TRUE COPY OF THE REQUEST FILED BY THE PETITIONER BEFORE THE
RESPONDENT DATED 20.11.2015 WITH ITS VEHICLE NO. KL.35/A 5277 ON THE
ROUTE KUNNONNI - PALA**
- P3: TRUE COPY OF THE JUDGMENT DATED 22.04.2014 IN WPC.NO.11184/2014**

RESPONDENT(S)' EXHIBITS: **NIL**

/TRUE COPY/

P.A.TO JUDGE

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K. HARILAL, J.

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W.P. (C) No. 35724 of 2015

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Dated this the 2nd day of December, 2015

J U D G M E N T

The petitioner is the holder of a regular permit on the route of Kunnonni - Pala, which is valid up to 06/06/2018. The said permit is covered by the stage carriage bearing Registration No.KL-35 A 5277, which is a later model vehicle. The petitioner filed Ext.P2 application, before the respondent for appropriate order releasing the aforesaid vehicle from its permit so as to enable him to produce a suitable later model vehicle for replacement. The question, whether clearance certificate can be granted, without insisting on the surrender of the existing permit in respect of the vehicle, was considered by this Court in ***Aysha v. R.T.A., Kasaragod [2006 (3) KLT 1013]*** and answered positively. In view of the above decision, the respondent is directed to pass orders accordingly on Ext.P2 application without insisting on surrender of the existing permit, at the earliest,

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within a period of two weeks from today.

2. It shall, however, be ensured that all dues to the Government, including check reports and also to the Kerala Motor Transport Workers Welfare Fund Board, are satisfied.

3. The respondent shall also specify the period within which the petitioner shall replace the vehicle on the route covered by the permit. This is because the vehicle now in use requires to be replaced by another to resume operations on the route covered by the permit.

This writ petition is disposed of accordingly.

Sd/-
K. HARILAL,
JUDGE

DST

//True copy//

P.A. To Judge